

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MONTEREY BAY MILITARY HOUSING,
LLC, et al.,

Plaintiffs,

v.

PINNACLE MONTEREY LLC, et al.,

Defendants.

Case No. [14-cv-03953-BLF](#)

ORDER RE MOTIONS

[Re: ECF 98, 99, 100, 101]

On January 21, 2015, Defendants filed a Motion for Preliminary Injunction to Preserve Right to Specific Performance, ECF 98, followed shortly thereafter by a January 26, 2015 *Ex Parte* Application for a Temporary Restraining Order on Preliminary Injunction, ECF 100. On January 27, 2015, the Court held a hearing on Defendants' Application for TRO with all parties in attendance. For the reasons stated on the record, the Court ORDERS as follows:

1. Defendants' Application for TRO is DENIED because there is no risk of irreparable harm to Defendants at this time in light of the continued effect of the December 26, 2012 preliminary injunction issued by the Monterey County Superior Court.

2. The parties are ordered to provide supplemental briefing on Plaintiffs' Motion to Dissolve the December 26, 2012 preliminary injunction, ECF 36, in order to address the arguments raised in Defendants' Motion for Preliminary Injunction:

a. Defendants' supplemental brief of **no more than seven (7) pages** is due **on or before February 3, 2015**.¹

¹ Because Defendants and Plaintiffs requested one week and 5 days respectively to prepare the supplemental briefing, the deadlines set forth in this order reflect that request and are intended to correct the Court's misstatements on the record concerning the corresponding calendar dates.


b. Plaintiffs' responsive brief of **no more than seven (7) pages** is due **on or before February 9, 2015**.

c. Unless otherwise ordered by the Court, no further briefing or oral argument will be required.

3. Defendants' Motion for Preliminary Injunction, ECF 98, is TERMINATED.² The arguments raised in Defendants' motion are subsumed under the issues raised in the parties' briefing on Plaintiffs' Motion to Dissolve Preliminary Injunction and will be further addressed in the parties' supplemental briefing. The Court will fully consider all arguments in the parties' main and supplemental briefs in determining whether to dissolve the December 28, 2012 injunction issued by the Monterey County Superior Court.

IT IS SO ORDERED.

Dated: January 27, 2015


BETH LABSON FREEMAN
United States District Judge

² Plaintiffs' Motion for Extension of Time to File Response, ECF 99, and Defendants' Motion to Shorten Time for Hearing, ECF 101, are likewise TERMINATED as moot.